

In re LENOSKI ET AL., Application No. 09/519,282
Amendment D

REMARKS

In response to the non-final Office action mailed January 21, 2005, please enter the amendments and consider remarks presented herein. Reconsideration and/or further prosecution of the application is respectfully requested. No new matter is added herein.

Applicants appreciate the Office indicating that the subject matter of dependent claim 26 is allowable. Applicants respectfully traverse the rejections of the claims based on prior art as the references of record, alone or in combination, neither teaches nor suggests all the claim elements and/or they are not proper combinations of references in conformance with the MPEP. However, as this case has been pending for over five years, Applicants have elected to "take the claimed subject matter" indicated in the Office action as allowable, and allow this case to issue. Should the application not be allowed and passed to issuance, Applicants expressly reserve their rights to argue that the claims as previously presented are allowable.

As such, the subject matter of claims 1, 6, 7 and 26 is combined into independent claim 1, with claim 9 being amended to depend from claim 1 (instead of claim 6, which was incorporated into claim 1). Also, claims 1, 10, and 28 are further amended to avoid possible 35 USC § 112 issues. In amending claim 1, the 35 USC § 112 issues presented in the Office action have been removed. The issue of "a particular packet" is removed as claim 1 refers to "a packet" whose path is being determined (not "a particular packet"), and claim 1 recites "ANDing a bit vector representing a set of possible paths leading to the destination output component with one or more bit vectors representing the status the set of possible paths maintained in said one or more data structures" which removes the ANDing issue presented in regards to claim 26, with support provided at least by FIGs. 6A-B, 7C and 8, and their corresponding discussion in the text of the original filed application. Also, claims 10 and 28 are amended to correct a possible antecedent basis issue.

As independent claim 1 and its dependent claims 9, 10, 27 and 28 include subject matter indicated as allowable in the Office action, and the § 112 issues have been removed, Applicants believe claims 1, 9, 10, 27, 28 are allowable, and Applicants request all rejections be withdrawn.

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New apparatus claims 29-33 are added herein in means plus function format corresponding to allowable claims 1, 9, 10, 27, 28, respectively. Support for these new claims and their reasons for allowance include at least that for allowable claims 1, 9, 10, 27, 28. Applicants therefore request claims 29-33 also be allowed.

Applicants request that the Office duly consider the references filed with three Information Disclosure Statements properly filed with requisite fees paid. These three IDS's are:

1. eIDS filed on 12-08-2004 (filed over one month prior to the mailing of this Office action);
2. eIDS filed on 2-25-2005; and
3. IDS filed via facsimile on 2-25-2005.

Applicants request the Office return an initialed, signed, and data 1449 for each of these three IDS signifying the Office's due consideration of the cited references with the next Office action, which presumably will be a Notice of Allowance as all pending claims are believed to be allowable over all known prior art.

Final Remarks. In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

Finally, Applicants believe that a one-month extension of time is required, and the requisite fee is submitted herewith. Additionally, the Commissioner is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in

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connection with such a request for an extension of time. Moreover, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 501430.

Respectfully submitted,
The Law Office of Kirk D. Williams

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By



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